

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY:

To: **MB**
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RECEIVED

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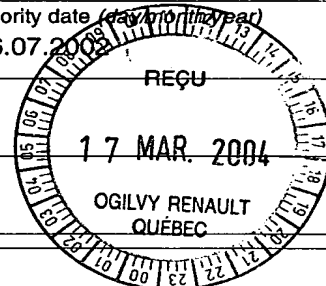
PCT

**REPLY TO:
WRITTEN OPINION**

(PCT Rule 66)

DUE ON JUN 11 2004 OL

Applicant's or agent's file reference 6013-106PCT		REPLY DUE		within 3 month(s) from the above date of mailing
International application No. PCT/CA 03/01080	International filing date (day/month/year) 16.07.2003	Priority date (day/month/year) 16.07.2003		
International Patent Classification (IPC) or both national classification and IPC C07H15/04				
Applicant UNIVERSITE LAVAL et al.				



1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **16.11.2004**

Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Klein, D Formalities officer (incl. extension of time limits) Ambroa, J.R. Telephone No. +49 89 2399-8012
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WRITTEN OPINIONInternational application No. **PCT/CA 03/01080****I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-21 as originally filed

Claims, Numbers

1-5 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☒ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	yes : 1-5 ; No : ---
Inventive step (IS)	Claims	Yes : --- ; No : 1-5
Industrial applicability (IA)	Claims	yes : 1-5 ; No : ---

2. Citations and explanations**see separate sheet**

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/CA03/01080

Re Item I

Basis of the opinion

Description, pages:

1-21 as originally filed

Claims, No.:

1-5 as originally filed

Drawings, sheets:

1/8-8/8 as originally filed

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents :

D1: Fett Wissenschaft Technologie- Fat Science Technology, Conradin
Industrieverlag. Leinfelden Echterdingen, De (1989), 91(9), 363-366

D2: JP-A-2000169495

Novelty :

The subject-matter of the present application concerns compounds consisting in a disaccharide linked at least to one lipid side chain.

D2 discloses a series of glycolipids among which compound 7 page 13. Nevertheless, no stereochemistry **seems** to be implied for this compound.

Therefore the subject-matter of the present application is considered new.

Inventive Step :

In the absence of any available translation of D2, D1 will be considered for the moment as the closest prior during the present proceedings.

D1 discloses a series of antimicrobial glycolipids, among which a compound (CL-1

fig 4) from which the subject-matter of the present application differs in that the L group of the bears a further hydroxyl group.

The problem to be solved in the present application can be regarded as providing further compounds having antimicrobial activities.

Since D2 discloses exactly the same L group (and the same side chain as well), the subject-matter of the present application merely consists of the simple combination of D1 and D2.

Therefore the subject-matter of claims 1-5 is not considered inventive.

Industrial applicability :

The subject-matter of the present application is considered to fulfil the requirements of industrial applicability.

Further important remark :

The wording "...or an analogue, a derivative..." of claims 2-4 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).